REMARKS

Reconsideration of the above identified application is respectfully requested.

The specification has been amended at page 4 to correct an editorial error; and at page 6 to introduce reference numeral 58 to correspond with a proposed drawing amendment being filed concurrently herewith.

In response to the drawing objection, the duplicate numerals 30,32 in the top of figure 1 should be deleted; with the second numeral 30 being changed to 58 to identify the sensors disclosed at page 6 of the specification.

Upon approval by the examiner, Applicants will submit the formal drawing correction in due course.

Applicants traverse the rejection of claim 35 under 35 USC 112, second paragraph.

Step (d-1) is being introduced in claim 35 in its entirety, and therefore does not require any antecedent basis other than the "ATM customer" originally introduced in independent claim 30.

Accordingly, withdrawal of the rejection of claim 35 under 35 USC 112, second paragraph, is warranted and is requested.

Applicants traverse the rejection of claims 1, 2, 4-7, 8-12, 14-18, 20, and 21 under Section 102(b) over Fakatsu '183 and its UK counterpart '992.

Claims 4,10,14,21 recite selected ones of plural voices; yet the "selected language" identified by the examiner is clearly not the same. Fakatsu discloses English or Japanese language, but the examiner has not identified plural voices therein for the advantages described in Applicants' specification.

Claim 8 introduces speech input; and the examiner has admitted in para. 6.1.1 that this is not taught in Fakatsu.

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Claims 9 and 20 recite audible instructions for predetermined responses; yet the examiner has not identified such feature in Fakatsu. The speaker messages disclosed at col. 13, line 4; and col. 14, line 50, do not appear to meet this feature.

Nevertheless, Applicants have chosen to amend the claims to further distinguish over the references.

More specifically, independent claims 1,6,11,17 have been similarly amended to include the speech recognition features originally found in claims 3,8,13,19, distinguished from the manual user interaction.

Accordingly, withdrawal of the rejection of claims 1, 2, 4-7, 8-12, 14-18, 20, and 21 under Section 102(b) over Fakatsu '183 and Fakatsu '992 is warranted and is requested.

Applicants traverse the rejection of claims 22-24 and 30 under Section 102(b) over Devinney et al.

These claims recite ATM control by speech recognition.

The examiner's interpretation of Devinney appears overly broad. Devinney merely teaches the use of speech recognition of a "speech password" to verify the user in an information system; not to control the services offered by that system. Where does Devinney disclose "audible instructions in natural speech from the operator" as the examiner contends?

Nevertheless, independent claims 22 and 30 have been amended to emphasize that the spoken instructions, originally introduced in claims 23 and 32, control the ATM.

Accordingly, withdrawal of the rejection of claims 22-24 and 30 under Section 102(b) over Devinney et al is warranted and is requested.

Applicants traverse the rejection of claims 3, 8, 13, 19, 25-29, and 31-35 under Section 103(a) over Fakatsu '992 or '183, Devinney et al, and Johnstone et al.

The examiner's hybrid rejection of these claims fails to comply with the specificity requirements of MPEP 706.02(j) or

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the legal motivation requirements of MPEP ch. 2100.

Original claims 3, 8, 13, and 19 recited both speech recognition of user instructions, and audible operating instructions from the terminal.

As indicated above, Devinney merely discloses speech recognition of a spoken password; the examiner has not shown how the system in Devinney is operated by spoken instructions.

And, Johnstone does not appear to be analogous art since it relates to the operation of a CNC cutting machine having problems of operator mobility or reflexes; neither of which is relevant to the field of endeavor or problems confronting the Applicants.

Col. 6 of Johnstone discloses the specific form of voice control having no technical or logical nexus with the disparate systems of Fakatsu and Devinney. The examiner simply opines that Fakatsu "could be modified ... as taught by Devinney et al as suggested by Johnstone et al," yet this is not the legal motivation required by ch. 2100. Nor has the examiner explained how it would even be possible to combine the three disparate references in the first instance.

Applicants do not simply claim the concept of speech recognition, but its use in a specifically configured system which the examiner has failed to evaluate in the whole as required by the MPEP.

For example, Fakatsu teaches not only English/Japanese audible messages, but the manual entry of data in response thereto. Devinney merely teaches voice recognition of a password. And, Johnstone teaches CNC machine responding to voice command.

How then should these disparate features be combined? Why? The mere identification of disparate features does not support the myriad of possible combinations thereof. This is hindsight, and the examiner's rejection is clearly based on Applicants' claims as the guide to selectively apply only so

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much from the disparate references, without regard to the whole thereof or the other features which teach away from the recited claims.

Note that the features originally introduced in claims 3, 8, 13, and 19 have now been added to their corresponding independent claims, which claims are distinguishable over the applied references for the reasons presented above.

In the hybrid rejection being made by the examiner claims 25-29 and 31-35 are being rejected without a fundamental showing of the independent claims 22 and 30 from which they depend.

Independent claims 22 and 30 recite speech recognition for controlling operation of an ATM. Clearly, Fakatsu does not disclose any such speech recognition, and the examiner so admits in para. 6.1.1.

The examiner then attempts to use Devinney for "audible operator commands" yet this is error as explained above because Devinney merely discloses password recognition.

In this regard, claims 22 and 30 have been similarly amended to recite that the speech recognition is used for spoken instructions in controlling the ATM, as originally recited in claims 23 and 32.

Neither Fakatsu nor Devinney disclose or suggest spoken instructions to control an ATM. And, Johnstone relates to a CNC cutting machine operating quite differently than Fakatsu and Devinney, and Applicants' claims. The speech recognition in Johnstone is responsive to the operator in a special manner, yet the system in Johnstone does not appear to audibly produce operating instructions for the operator to follow.

Claims 27 and 33 recite plural voices, yet the examiner has failed to show how any one of the applied references discloses or suggests this feature, since such feature is not relevant to their operation.

Applicants have chosen to amend claims 26, 28, and 32,

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without prejudice, in view of the redundant recitations therein; and recite instead the specific features disclosed at page 6 of the specification.

In claim 26 the microphone is directional for the benefits disclosed at page 6, a feature neither disclosed nor suggested by the disparate teachings of the applied references.

In claim 28 means (58) are recited to determine location of the customer, and the microphone is directional for the benefits disclosed at page 6, features neither disclosed nor suggested by the disparate references.

And, claim 32 recites determining location of the customer, directing the audible instructions toward the customer, and directionally receiving the spoken instructions for the benefits disclosed at page 6, features neither disclosed nor suggested by the disparate references.

As for the other dependent claims, the examiner has failed to meet the requirements of the MPEP and explain how the disparate references would have been modified, and why, to achieve the combination of features recited therein. Naked elements alone do not support a rejection under Section 103; the references must be evaluated in the whole, which includes all features thereof, including those which teach away.

That the disparate references "could be modified" does not meet the stringent requirements of the MPEP, see *In re Gordon et al.*, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Accordingly, withdrawal of the rejection of claims 3, 8, 13, 19, 25-29, and 31-35 under Section 103(a) over Fakatsu '992 or '183, Devinney et al, and Johnstone et al is warranted and is requested.

The additional references cited, but not applied, have been noted. Note, in particular, that WO 00/28495 is the PCT counterpart of the present application, and is not relevant under the present prosecution.
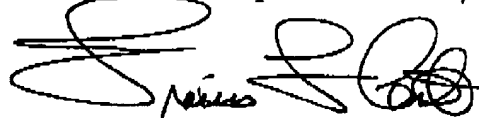
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In accordance with the duty imposed by 37 CFR 1.104 and
MPEP sections 707, 707.05, 707.07, and 707.07(g), the examiner
is requested to reconsider all the art of record, including
the additional references not applied, to ensure full
compliance with the required thoroughness of examination.

In re Portola Packaging, Inc., 42 USPQ2d 1295 (Fed. Cir.
1997) emphasizes the importance of complying with this duty to
ensure that all references of record have been fully
considered by the examiner in the various combinations
thereof. And, the Board of Appeals has further elaborated on
the importance of this examiner duty in Ex parte Schricker, 56
USPQ2d 1723 (B.P.A.I. 2000).

In view of the above remarks, allowance of all claims 1-
35 over the art of record is warranted and is requested.

Respectfully submitted,

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Appendix
Amended paragraphs and claims

[Paragraph commencing at page 4, line 21]The ATM 10 further comprises processor means in the form of a controller unit 50 which communicates with components of the user interface module block 40, with an operator panel 52 mounted inside [to] of the ATM 10, and with the cash dispenser module 46.

[Paragraph commencing at page 6, line 7]Users may be reluctant to converse with a terminal within earshot of others, particularly where security sensitive information, such as a PIN or code word, is being relayed to the terminal. Accordingly, terminals in accordance with the invention may be enclosed, partially enclosed, or otherwise arranged to minimize the possibility of the conversation between the terminal and the user from being overheard by third parties. Alternatively, or in addition, the terminal may be provided with sensors 58 for determining the location of the user, and directional loudspeakers and microphones, such that the speech volume may be kept at a relatively low level, and to assist in eliminating background noise.

1.   (amended) A self-service terminal comprising:
    instructing means for producing audible terminal operating instructions for a user;
    interface means for permitting a user to manually interact with the terminal in response to the audible terminal operating instructions;
    means for recognizing speech, such that a user may additionally interact with the terminal using spoken instructions and prompts; and
    means for processing user interactions with the terminal.

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3.   (amended) A self-service terminal according to claim 1
wherein the speech recognizing means are configured to
recognize local accent or dialect of the user [, further
comprising means for recognizing speech, such that a user may
interact with the terminal using spoken instructions and
prompts].

6.   (amended) A method of operating a self-service terminal,
the method comprising the steps of:
        (a)   producing audible terminal operating instructions
for a user;
        (b)   permitting a user to _manually_ interact with the
terminal in response to the instructions produced in step (a);
[and]
        (c)   processing user interactions with the terminal_; and_
        (d)   permitting a user to additionally input information
to the terminal using speech.

8.   (amended)   A method according to claim 6, further
comprising _recognizing local accent or dialect of the user in_
the user spoken input information [the step of:
        (d)   permitting a user to input information to the
terminal using speech].

11.   (amended) An automated teller machine (ATM) for allowing
an ATM customer to carry out a financial transaction, the ATM
comprising:
        a generating unit for providing a number of audible
instructions for the ATM customer; and
        an interface for receiving inputs from the ATM customer,
including a recognition unit for recognizing speech by the ATM
customer to allow the ATM customer to carry out the financial
transaction using spoken instructions and prompts.

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13. (amended)   An ATM according to claim 11, wherein the
speech recognizing unit is configured for recognizing local
accent or dialect of the customer in the customer spoken
instructions [interface includes a recognition unit for
recognizing speech by the ATM customer to allow the ATM
customer carry out the financial transaction using spoken
instructions and prompts].

17. (amended)   A method of operating an automated teller
machine (ATM), the method comprising the steps of:
        (a)   producing audible instructions for an ATM customer
to carry out a financial transaction; and
        (b)   processing inputs from the ATM customer to carry out
the financial transaction, including recognizing speech by the
ATM customer to allow the ATM customer to carry out the
financial transaction using spoken instructions and prompts.

19. (amended)   A method according to claim 17 further
comprising recognizing local accent or dialect of the customer
in the customer spoken instructions[, wherein step (b)
includes the step of:
        (b-1)   recognizing speech by the ATM customer to
allow the ATM customer carry out the financial transaction
using spoken instructions and prompts].

22. (amended) An automated teller machine (ATM) for allowing
an ATM customer to carry out a financial transaction, the ATM
comprising:
        a speech processing unit for processing [speech] spoken
instructions from the ATM customer and providing output
signals indicative thereof; and
            a processor for controlling operation of the ATM
based upon the output signals from the speech processing unit.

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26. (amended)   An ATM according to claim 25, wherein the microphone is directional toward the customer to minimize overhearing by third parties [generating unit produces ATM operating instructions in natural speech].

28. (amended)   An ATM according to claim [22,] 23 further comprising means for determining location of the customer, and wherein the microphone is directional toward the customer [verifying identity of the ATM customer].

30. (amended)   A method of operating an automated teller machine (ATM), the method comprising the steps of:
    (a)   receiving [speech] spoken instructions from an ATM customer;
    (b)   processing [speech] the spoken instructions received from the ATM customer of step (a) and providing output signals indicative thereof; and
    (c)   controlling operation of the ATM based upon the output signals of step (b).

32. (amended)   A method according to claim 31 further comprising determining location of the customer, directing the audible instructions toward the customer, and directionally receiving the spoken instructions from the customer [, wherein the audible instructions comprise ATM operating instructions in natural speech.].

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